

IC 16-42-7

Chapter 7. Food: Sanitary Requirements for Locker Plants

IC 16-42-7-1

Operator defined

Sec. 1. As used in this chapter, "operator" means a person who operates or maintains a locker plant or branch locker plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-2

License; necessity

Sec. 2. A person may not operate a locker plant or branch locker plant unless the person has a license from the state department and has otherwise complied with this chapter. A separate license is required for each locker plant or branch locker plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-3

License; application

Sec. 3. An application for a license under this chapter must be on written forms prescribed and furnished by the state department and must be accompanied by the required license fee.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-4

License; form

Sec. 4. The state department shall prescribe the form of the license issued under this chapter. The license must be under the seal of the state department and must set forth the following:

- (1) The name of the licensee.
- (2) The location for which the license is issued.
- (3) The type of operation.
- (4) The period of the license.
- (5) Any other information the state department requires.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-5

License; fees

Sec. 5. (a) The license fee for a locker plant or branch locker plant is as follows:

- (1) Fifty dollars (\$50) for a plant having not more than two hundred (200) individual lockers.
- (2) An additional four dollars (\$4) for each one hundred (100) lockers or a fraction of that number in excess of two hundred (200).

However, the fee may not exceed seventy dollars (\$70).

(b) If at any time during the period for which a license is issued under this chapter the capacity of the locker plant or branch locker plant is increased by placing additional individual lockers within the

plant, a fee of four dollars (\$4) for each one hundred (100) lockers or a fraction of that number shall be remitted to the state department not more than ten (10) days after placement of the lockers, together with a statement of the total number of lockers then available for use. The additional fee is to be applied to the current license. The total fee for a locker plant or branch locker plant may not exceed seventy dollars (\$70) for one (1) year.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-6

License; term and renewal

Sec. 6. A license issued under this chapter is for a term of one (1) year. A license must be renewed annually upon the same application and the payment of the same fee as the original license.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-7

License; display

Sec. 7. The original license issued under this chapter or a certified copy of the license must be conspicuously displayed by the licensee in the locker plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-8

Inspection upon application for license

Sec. 8. Upon the receipt of the application for a license or a renewal license accompanied by the required fee, the state department shall inspect the sanitary condition of the plant that seeks to be licensed. If the state department finds that the plant, equipment, facilities, surrounding premises, and the operations comply with this chapter and the rules of the state department applicable to this chapter, the state department shall issue the license.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-9

Inspectors; qualifications

Sec. 9. The state department shall choose persons to conduct inspections of locker plants and branch locker plants who have a practical knowledge of the operation of and the storage of food in locker plants. The inspectors must have a thorough knowledge of the statutes and the rules of the state department applicable to locker plants and branch locker plants.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-10

Operation of plant after license revocation

Sec. 10. If a license is revoked, the state department may permit the continued operation of the plant under the conditions or the supervision that the state department prescribes for not more than six (6) months. This additional time is for the purpose of permitting patrons to remove

food stored in the locker plant or branch locker plant. During this time no additional food may be received or stored in the plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-11

Employee health inspections

Sec. 11. (a) The operator of a locker plant or branch locker plant shall require all employees to have a semiannual health examination by a physician.

(b) The operator shall keep on file at all times health certificates for each employee on forms prescribed by the state department.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-12

Employees; persons with communicable diseases

Sec. 12. (a) The following persons may not be employed in any capacity in a locker plant or branch locker plant:

- (1) A person who has a communicable disease.
- (2) A person who has a communicable skin disease.
- (3) A person who has an infected wound.
- (4) A person who is a carrier of any communicable disease.

(b) A person may not work or be employed in or about a locker plant or branch locker plant during the time a communicable disease exists in the person's residence unless the person has from the state department or the local board of health in the area of the person's residence a certificate stating that no danger of public contagion or infection will result from the employment of the person in the plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-13

Employees; wearing apparel; cleanliness

Sec. 13. Every person employed by a locker plant and engaged in direct physical contact with food during preparation, processing, or storage must do the following:

- (1) Be clean.
- (2) Wear clean, washable outer garments and a suitable head covering that are to be used only for that purpose.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-14

Food handlers; designation; cleanliness

Sec. 14. Only persons specifically designated by the operator may touch food products with their hands. These persons shall keep their hands scrupulously clean.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-15

Premises; equipment; cleanliness

Sec. 15. All rooms and the premises and surroundings of a locker plant or branch locker plant shall be kept clean and sanitary at all

times. All equipment and utensils shall be cleaned when put into use, thoroughly cleaned after each day's use, and stored or protected so as not to become contaminated. Lockers shall be thoroughly cleaned before the lockers are leased or put into the possession of a patron.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-16

Contamination; vermin; insects; dirt; smoking

Sec. 16. (a) Food stored shall be protected from filth, flies, dust, dirt, insects, vermin, and other contamination and from unclean or filthy practice in the handling or care of the food.

(b) Food may not be stored in a condition or manner as to cause injury to or deterioration of food in adjacent lockers.

(c) Tobacco may not be used in a room where food is processed or stored.

(d) Waste or offal incident to the cleaning, storing, or preparation of food for storage shall be removed promptly from the premises and disposed of in a sanitary manner.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-17

Living or sleeping quarters; domestic animals

Sec. 17. (a) A room used for the preparation, processing, storage, display, or sale of food may not be used as a living or sleeping room.

(b) Dogs, cats, and other domestic animals are not permitted to be in rooms used for the preparation, processing, storage, display, or sale of food.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-18

Water supply

Sec. 18. (a) Locker plants must be supplied with hot and cold running water.

(b) Water that comes in contact with food or equipment must be uncontaminated.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-19

Toilets

Sec. 19. (a) Locker plants must have water flush toilets located to be readily accessible to employees.

(b) Restrooms must be equipped with adequate washing facilities, including hot and cold running water, individual soap, and individual towels.

(c) The doors of all restrooms must be full-length and self-closing.

(d) A restroom may not open directly into a room in which food is prepared, processed, chilled, frozen, or stored.

(e) Restrooms must be kept clean and sanitary.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-20

Refrigeration system

Sec. 20. The refrigeration system for a locker plant or branch locker plant must be equipped with accurate and reliable controls. The controls must be of adequate capacity to provide for the automatic maintenance of uniform temperatures required in the various refrigerated rooms under extreme outside temperatures and under peak load conditions in the normal operations of the plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-21

Temperatures in refrigerated rooms

Sec. 21. (a) The chill room of a locker plant must have a temperature within two (2) degrees Fahrenheit plus or minus of thirty-four (34) degrees Fahrenheit with a tolerance of ten (10) degrees Fahrenheit for a reasonable time after fresh food is put in for chilling.

(b) A sharp freeze room or compartment of a locker plant must have a temperature of not more than ten (10) degrees below zero (0) degrees Fahrenheit or a temperature of not more than zero (0) degrees Fahrenheit when forced air circulation is employed with a tolerance of ten (10) degrees Fahrenheit for a reasonable time after fresh food is put in for freezing.

(c) A locker room must have a temperature of not more than zero (0) degrees Fahrenheit with a tolerance of five (5) degrees Fahrenheit higher.

(d) The required temperatures for the various refrigerated rooms do not prohibit any variations that may occur during short periods incidental to defrosting.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-22

Recording thermometer

Sec. 22. (a) An accurate self-registering or self-recording thermometer shall be provided in the locker room.

(b) The thermometer in the locker room shall be placed in a position where the thermometer may be readily observed by patrons.

(c) The temperature records of the thermometers shall be kept at the plant and shall be preserved for at least one (1) year from the date of the recording.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-23

Finish on floors, walls, and ceilings

Sec. 23. The floors, walls, and ceilings of locker plants and branch locker plants must be of a construction and finish that can be conveniently kept clean and sanitary. Walls and ceilings of the processing rooms of locker plants shall be finished in a manner approved by the state department and shall be refinished as often as necessary.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-24

Locker construction specifications

Sec. 24. (a) The lockers in a plant shall be so constructed as to protect the contents from contamination, deterioration, or injury.

(b) Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-25

Toxic gas refrigerant use; gas mask

Sec. 25. A plant that uses a toxic gas refrigerant must have at least one (1) gas mask of a type approved by the state department and shall place the gas mask where the gas mask will be readily accessible.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-26

Sharp freezing; food inspection

Sec. 26. (a) Food may not be placed in a locker for storage unless the food has been sharp frozen.

(b) Food may not be placed in a locker for storage unless the food has been inspected by the operator.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-27

Wrapping and packaging food for storage

Sec. 27. (a) All:

(1) meats shall be wrapped in paper suitable for wrapping meats that are to be frozen and stored; and

(2) fruits and vegetables shall be wrapped or packed; before placement in a locker.

(b) Each wrapped portion shall be marked or stamped with the correct locker number and the date of wrapping.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-28

Fresh carcass meats; identification, cleaning, and chilling

Sec. 28. When the operator comes into the custody or possession of fresh carcass meats, the meats shall be identified with a suitable tag or stamp. If the meats are not cleaned, the meats shall be washed with cold water or otherwise suitably cleaned and, unless the meats were previously chilled, be placed in the chill room sufficiently long to lose body heat. The meats may not be in the chill room less than twenty-four (24) hours.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-29

Marking meat or food products; nontoxic ink

Sec. 29. In applying marks directly to meats or other food products, the operator shall use only nontoxic ink or other harmless substances.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-30

Fruits and vegetables; preparation for freezing

Sec. 30. (a) Before being frozen, vegetables shall be cleaned, blanched, and immediately cooled with cold water and packed in suitable containers for freezing. However, the state department may exempt by rule specific vegetables from the requirement of blanching.

(b) Before being frozen, fruit shall be cleaned and packed in suitable containers for freezing.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-31

Fish; cleaning and packaging

Sec. 31. (a) Fish may not be stored in a locker unless the fish are properly frozen and wrapped.

(b) Fish shall be handled so as to protect equipment and other stored foods from fish flavors and fish odors.

(c) All unfrozen fish shall be promptly washed with clean water and frozen, wrapped, and marked with the date and the patron's locker number.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-32

Fish and game laws; storage in conformance

Sec. 32. Game or fish shall be stored or handled in conformity with the fish and game statutes and the rules of the department of natural resources.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-33

Food not for human consumption; marking; segregated storage

Sec. 33. Foods not for human consumption shall be stored in a room or locker specifically set apart for that purpose and must bear a label or tag bearing plainly and conspicuously, in letters not less than three eighths (3/8) of an inch in height, the words "Not for Human Consumption". These foods may not be stored in the chill room, aging room, sharp freeze room, or locker room of a locker plant or branch locker plant.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-34

Persons authorized access to and handling of patron's food

Sec. 34. Only authorized agents of the state department may be permitted access to another patron's locker and the locker's contents without proper authorization. Patrons may not be permitted to handle meats or foods, other than the meats or foods of the patrons, that are stored in the chill room or are in the process of preparation for freezing for storage.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-35

Warehousemen and warehouse receipts; locker operators distinguished

Sec. 35. (a) An operator of locker plants or branch locker plants is not a warehouseman.

(b) Receipts and other instruments issued by an operator of a locker plant or branch locker plant in the ordinary conduct of business are not warehouse receipts and are not subject to the laws applicable to warehouse receipts.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-36

Records of locker operators

Sec. 36. The operator of a locker plant or branch locker plant shall keep an accurate and complete record of the following:

- (1) The name and address of each patron renting a locker or storing food.
- (2) The rental period for each locker rented.
- (3) The charge for the locker or storage area.
- (4) The payments made.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-37

Patrons engaged in selling foodstuffs; declaration

Sec. 37. Patrons renting lockers who are directly or indirectly engaged in the selling of foodstuffs shall declare that fact to the operator and an appropriate entry shall be made on the operator's records.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-38

Carcass weight reports

Sec. 38. The operator of a locker plant shall supply a patron with:

- (1) an accurate and complete report of the carcass weight of carcasses or parts of carcasses delivered for cutting, processing, or freezing; and
 - (2) the quantities used for sausage or other meat products;
- if, at the time of delivery, the patron requests the information.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-39

Fruit and vegetable weights and quantity reports

Sec. 39. If at the time of delivery the patron requests, the operator shall supply the patron with a correct and complete report showing the following:

- (1) The weight and quantity of the fruits and vegetables received for preparation, processing, or freezing.
- (2) The size and number of containers of finished products packed.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-40

Lien for rentals and charges

Sec. 40. (a) An operator of a locker plant or branch locker plant has a lien upon all property in the operator's possession for all locker rentals and processing, handling, and other charges due from the owner of the property.

(b) A lien under this section may be secured and enforced in the same manner as a mechanic's lien is secured and enforced.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-41

State entry and inspection

Sec. 41. (a) The state department may enter and inspect at any reasonable time all locker plants and branch locker plants.

(b) The state department shall inspect all locker plants and branch locker plants at least one (1) time each six (6) months and may make additional inspections considered necessary.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-42

Revocation of locker license; noncompliance with chapter

Sec. 42. After notice and hearing, the state department may revoke the license for a locker plant or branch locker plant for failure to comply with this chapter or any rule of the state department concerning this chapter.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-43

Revocation of locker license; violation of chapter

Sec. 43. If a licensee violates this chapter or a rule of the state department adopted under this chapter, the state department may revoke the license of the licensee.

As added by P.L.2-1993, SEC.25.

IC 16-42-7-44

Chapter violations; offenses

Sec. 44. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.25.